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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-828-2019 (O&M)

Date of Decision: 08.05.2026

MANJEET

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present : Mr. Gurmail Singh Duhan, Advocate
for the petitioner.

Mr. Parmod Kumar, A.A.G., Haryana.

N.S. SHEKHAWAT, J. (ORAL)

The petitioner has filed the present revision petition against the impugned judgment dated 06.03.2019 passed by the Court of Sessions Judge, Panipat and the impugned judgment and order dated 02.11.2016/04.11.2016 passed by the Court of Chief Judicial Magistrate, Panipat, whereby the petitioner was convicted for the commission of offences punishable under Sections 279 and 304-A IPC and was sentenced to undergo rigorous imprisonment for a period of three months under Section 279 IPC and rigorous imprisonment for a period of one year under Section 304-A IPC.

2. Brief facts of the present case are that a telephonic information was received at Police Post, Quilla regarding the death of one Robin, son of Anil Kumar, due to injuries sustained in a roadside accident. It was informed that his dead body had been kept in the mortuary. On receipt of this

information, a policy party headed by H.C. Sudarshan reached the hospital but the family members of the deceased could not be contacted. Thereafter, on 06.11.2014, the complainant Kuldeep, who was the uncle of the deceased, met the police party and got recorded his statement that he was a tempo driver. On 05.11.2014, he had come to his house at noon time and after having meals, was sitting outside his house at about 2:30 P.M. His nephew Robin was playing in the street along with some other children. In the meantime, a bus bearing registration no.HR67-9278, belonging to Swastik Bal Vikas Secondary School and being driven rashly, negligently and at a high speed by its driver, reached the spot and hit Robin directly, due to which, he sustained injuries and died at the spot. The driver fled away with the vehicle. He prayed for taking penal action against the culprit. Accordingly, a case under Sections 279 and 304-A of I.P.C was registered. Investigation proceedings were initiated. Inquest proceedings and post-mortem examination of the dead body were conducted. The accused was arrested on 11.12.2014. The offending vehicle was taken into custody and mechanically examined. After completion of the necessary investigation and usual formalities, the challan under Section 173 Cr.P.C. was presented before the Court for trial of the accused.

3. After the presentation of the challan, the trial Court considered the matter and found that a *prima facie* case under Sections 279 and 304-A IPC is made out against the petitioner and he was ordered to be charge sheeted accordingly. However, the petitioner claimed that he was innocent and submitted that a trial may be held.

3.1 In order to prove the case against the petitioner, the prosecution relied upon the statements of six witnesses. EASI Dayanand was examined as PW-1, HC Sudarshan as PW-2, Dr. Shivanjali Sandhir as PW-3. Dr. Ram Kumar as PW-4, Ashok Kumar as PW-5 and Kuldeep, the complainant, as PW-6. After the statements of the prosecution witnesses were recorded, the entire incriminating evidence was put to the petitioner in his statement under Section 313 Cr.P.C. However, he pleaded false implication and claimed himself to be innocent. No defence evidence was produced by the petitioner before the trial Court.

4. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the judgments of conviction passed by the both the Courts; however, some leniency may be shown while awarding the sentence to the petitioner.

5. Even though, learned counsel for the petitioner does not wish to challenge the judgments of conviction, still I have examined the case on merits and the revision is being decided accordingly.

6. In order to prove the charge, the prosecution examined EASI Dayanand, who stated that the driving licence and registration certificate of the offending vehicle were taken into possession vide memo Ex.PW1/A. PW-2 HC Sudarshan proved Ex.PW2/A, the statement of the complainant; Ex.PW2/B, the FIR; Ex.PW2/C, the endorsement; Ex. PW2/D, the rough site plan of the place of occurrence; Ex.PW2/E, the inquest proceedings; and Ex.PW2/F and Ex.PW1/A, the memos regarding the recovery of the offending vehicle, the driving licence of the accused and the registration certificate.

6.1 Further, Dr. Shivanjali Sandhir conducted the post-mortem examination on the dead body of Robin and proved her report as Ex.PW3/B. She also identified her signatures on the inquest proceedings Ex.PW3/C. PW-4 Dr. Ram Kumar stated that he had purchased a vehicle in the name of the school for transporting the school children. The offending vehicle was owned by the school and was being driven by the petitioner. In November, 2014, he received information regarding an accident, having occurred with the offending vehicle and also came to know about the death of a child. PW-5 Ashok Kumar identified the dead body of the victim Robin and also proved his signatures on the inquest report Ex.PW2/E and receipt Ex.PW5/A. PW-6 Kuldeep, the complainant, proved the allegations levelled by him in his statement Ex.PW2/A and also identified the petitioner as the driver of the offending vehicle.

6.2 From the aforesaid evidence led by the prosecution, it is apparent that the prosecution has been successful in proving that due to rash and negligent driving on the part of the present petitioner, an accident was caused by the offending vehicle, leading to the death of Robin, and thus, the ingredients of the offence under Sections 279 and 304-A IPC were also proved in the present case. Even otherwise, I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and find that the petitioner has been rightly convicted by both the Courts.

6.3 Now, advertent to the order on the quantum of sentence, this Court cannot lose sight of the fact that the petitioner in the present case has been facing prosecution since 06.11.2014, *i.e.*, for the last more

than 11 years. He is a first offender and was never involved in any other criminal activity. Moreover, he has already undergone about seven months of actual custody out of the total sentence of one year. He was about 27 years of age at the time of his conviction, *i.e.*, on 02.11.2016, and is about 37 years of age at present. He is also the sole breadwinner of his family. Moreover, the sentence imposed upon the petitioner was suspended by this Court on 20.08.2019, and during the past about seven years, he had maintained good conduct.

7. Keeping in view the aforesaid mitigating circumstances, the sentence imposed upon the petitioner is reduced to the period undergone by him. However, the amount of fine is enhanced to Rs.40,000/-, which shall be deposited by the petitioner with the concerned Chief Judicial Magistrate within a period of two months from today. The amount of Rs.40,000/- shall be disbursed by the concerned Chief Judicial Magistrate to the legal representatives of Robin, since deceased in the present case, against proper receipt and identification. In case, the amount of Rs.40,000/- is not deposited within a period of two months from today, the present revision petition shall be deemed to have been dismissed.

8. Pending application(s), if any, stand(s), disposed of, accordingly.

May 08, 2026
gurpreet

[N.S. SHEKHAWAT]
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No